

**REMARKS**

Claims 8, 9, 11, 15, 16 and 18 were rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 6,544,361 B1 to Diz et al. (hereinafter “Diz”).

Claims 8 and 15 have been amended. Claims 11 and 18 have been canceled without prejudice.

Reconsideration of the application based on the foregoing amendments and the following remarks is respectfully requested.

**Examiner Interview**

Applicants’ undersigned representative, William Gehris, spoke with Examiner Zhu on September 8, 2010 regarding independent claims 8 and 15. Mr. Gehris explained to Examiner Zhu that, as known to one of skill in the art, forming an ingot is done via a casting process that does not include any rolling steps. Although no clear agreement was reached, Examiner Zhu indicated that the rejection in view of Diz would be overcome if the “smelting” and “forming” steps of claims 8 and 15 were amended to clarify the ingot is formed after the zirconium alloy is smelted and to clarify the meaning of ingot. Applicants’ representatives thank Examiner Zhu for his courtesy during the interview.

**35 U.S.C. 103(a) Rejections**

Claims 8, 9, 11, 12, 15, 16, 18 and 19 were rejected under 35 U.S.C. §103(a) as unpatentable over Diz.

Diz discloses “a method for making flat, thin elements which consist of: producing a zirconium alloy blank also containing, besides the inevitable impurities, 0.8 to 1.3% of niobium, 100 to 1800 ppm of oxygen, and 10 to 35 ppm of sulfur; carrying out a  $\beta$  hardening and hot rolling to obtain a blank and performing in it at least three cold rolling passes with intermediate annealing heat treatments.” (See Abstract). The hot-rolling process is typically carried out at a temperature between 770°C and 790°C. (Col. 3, lines 49 to 51).

Claims 8 and 15 recite in part “smelting a zirconium alloy” and “forming an ingot of the smelted zirconium alloy.”

It is respectfully submitted that Diz fails to teach or show the limitation of “forming an ingot of the smelted zirconium alloy” as required in claims 8 and 15. As discussed in the Examiner Interview, the zirconium alloy blank in Diz is not an ingot because the blank is formed using a hot rolling step, whereas an ingot is formed via a casting process that does not include any rolling steps. This is simply the definition of ingot. (See, e.g., <http://www.thefreedictionary.com/ingot>: ingot: 1. A mass of metal, such as a bar or block, that is cast in a standard shape for convenient storage or shipment). In addition, Diz clearly distinguishes between a blank and ingot. (See Diz at col. 3, lines 44 to 46: “Starting from an ingot...). Thus, Diz does not teach the “forming” step of claims 8 and 15 and one of skill in the art would not have had any reason to have modified the process in Diz in such a manner.

Based on the foregoing, withdrawal of the rejection of independent claims 8 and 15 under 35 U.S.C. §103(a) and dependent claims 9 and 16 is respectfully requested.

Application No. 10\575,020  
Response to Final Office Action dated April 12, 2010

[12467/9; 569.1015]  
September 13, 2010

**CONCLUSION**

It is respectfully submitted that the application is in condition for allowance and applicants respectfully request such action.

If any additional fees are deemed to be due at this time, the Assistant Commissioner is authorized to charge payment of the same to Deposit Account No. 50-0552.

Respectfully submitted,  
DAVIDSON, DAVIDSON & KAPPEL, LLC

By:



William C. Gehris (Reg. No. 38,156)

Davidson, Davidson & Kappel, LLC  
485 Seventh Avenue, 14<sup>th</sup> Floor  
New York, New York 10018  
(212) 736-1940